

**Town of Clarence
Planning and Zoning**

Memo

To: Town Board Members

From: James Callahan, Director of Community Development

cc: Town Attorney, Town Clerk, Town Engineer, Senior Code Enforcement Officer, Planning Board Members, Chamber of Commerce

Date: September 17, 2014

Re: September 24, 2014 Town Board Meeting Agenda

Following is a review/analysis of the items listed on the September 24, 2014 Town Board Agenda:

FORMAL AGENDA ITEMS:

1. LOU VISIONE, EAST OF 8570 MAIN STREET.

Location: North side of Main Street, east of Harris Hill Road.

Description/History: Existing vacant lot located within the Harris Hill Traditional Neighborhood District.

Proposal: Applicant is proposing to display sheds for sale at this location.

Master Plan: Area identified within the Harris Hill TND

Reason for Town Board Action: The Town Board has authority to approve uses in the TND and to issue Temporary Conditional Permits.

Issues: Landscaping, number of display units, hours of operation. A public hearing will be required to consider a Temporary Conditional Permit.

2. ESSEX HOMES OF WNY/SHADOW WOODS SUBDIVISION.

Location: West side of Goodrich Road north of Pinyon Court

Description/History: Existing previously approved Open Space Design Subdivision for which Development Plan approval was previously granted.

Proposal: Applicant is requesting Final Plat Approval and Dedication of New Roads constructed within the project area.

Master Plan: Area identified in a Residential classification and within Clarence Sewer District #2.

Reason for Town Board Action: The Town Board has final authority to dedicate new public roads and approve Final Plat Maps.

Issues: The Engineering and Highway Departments have inspected the new construction and the Erie County Health Department has signed off on the Water and Sewer Line Extensions.

3. SPAULDING GREEN OPEN SPACE DESIGN OVERLAY

Location: Generally east of Goodrich Road north of Greiner Road.

Description/History: Existing and previously approved Open Space Design Subdivision containing 380 sublots/units.

Proposal: Applicant is proposing an amendment to the previously approved subdivision layout.

Master Plan: Area identified in a residential single family zone.

Reason for Town Board Action: Per the Zoning Law, the Town Board is the final approval authority to create an open space overlay.

Issues: The action was referred to the Planning Board for review, comment and recommendation. The Planning Board has forwarded a recommendation to approve the proposed amendment identifying that all previously approved conditions of the original approval must be maintained. Overall the total number of lots remains unchanged. An action under SEQRA to amend the design has also been forwarded by the Planning Board. (The original project was approved under a FEIS and Final Findings Statement and the proposed amendment does not impact any past findings on the project). Conditions associated with the Planning Board recommendation include requiring the required mitigation to the Greiner Road/Thompson Road intersection (as per Final Findings) and construction of the recreational trail through the project with specific timelines identified.

4. MICHAEL DEVELOPMENT, SOUTH SIDE OF WEHRLE DRIVE WEST OF SHISLER ROAD.

Location: South side of Wehrle Drive west of Shisler Road.

Description/History: Existing previously approved excavation as recently approved by the Town of Clarence under 10001 Grand Corporation.

Proposal: Applicant is seeking approval to change the name on the Excavation Permit as issued by the Town Board.

Master Plan: Area identified in an Industrial Business Park Zone.

Reason for Town Board Action: Per the Local Excavation Law, the Town Board has Approval Authority for Issuing Annual Excavation Permits and to Amend Permits.

Issues: All application materials have been amended to identify the new ownership, including updated NYSDEC Mining Permit.

5. ADMINISTRATIVE REVIEW FEES.

The Town Board has asked for an amendment to Chapter 99 of the Code of the Town of Clarence, Fees, to consider an amendment to add a Recreation Fee to Multiple Family Housing Projects. This Recreation Fee would be similar to the Recreation Fee required for single family home subdivision approvals. The proposed amendment adds a \$450.00 per unit Recreation Fee to the Building Permit application for an approved multiple family housing project.

6. BROOKFIELD COUNTRY CLUB, 5120 SHIMERVILLE ROAD.

Approval of a Fireworks Display Permit for October 13, 2014. All application materials, including site location map, insurance and bonding, fees and fire chief approvals are in order.

WORK SESSION ITEMS:

1. TESLA MOTORS, 4455 TRANSIT ROAD.

Location: Northeast Corner of Main Street and Transit Road.

Description/History: Existing commercial use (Key Bank) located in the Major Arterial Zone.

Proposal: Applicant is proposing to construct a new electric vehicle charging station within the parking area of the existing use.

Reason for Town Board Action: Per the Zoning Law, the Town board may consider an automotive service use in the Major Arterial Zone with a Special Exception Use Permit.

Issues: A public hearing will be required to consider the Special Exception Use Permit.